

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

R.A., JR., etc.,)	
)	
Plaintiff,)	
)	
vs.)	CIVIL ACTION NO. 3:06cv337-WHA
)	
DEPUTY SHERIFF WALTER LACEY,)	
)	
Defendant.)	

ORDER

This case is before the court on Defendant's Fifth Motion in Limine (Doc. #63), filed on April 23, 2007.

To the extent that this motion seeks to preclude evidence of "information about any complaints against the Defendant by other persons, either formal or informal," this was the subject of Defendant's Fourth Motion in Limine, and the court's ruling is the same.

Defendant then objects to evidence of the dismissed claims of assault and battery, false imprisonment, and malicious prosecution. As to assault and battery, the motion is DENIED to the extent that evidence of the alleged assault and battery is offered to prove the claim of excessive force.

It is GRANTED to the extent that the Plaintiff is prohibited from any reference to the fact that a separate assault and battery claim had been asserted in this case and previously disposed of.

As to claims of false imprisonment and malicious prosecution, the motion is GRANTED. As pointed out rulings on other motions in limine, this case is going to the jury solely on a claim

that the Defendant used excessive force on the Plaintiff at the time and place alleged. There are no claims of malicious prosecution or false imprisonment surviving summary judgment.

Evidence concerning the fact that such claims were made or the facts on which such claims were based would be irrelevant to the issues before the jury. Therefore, the motion is GRANTED to that extent, and the Plaintiff is prohibited from referring to or offering any evidence regarding the dismissed claims of false imprisonment or malicious prosecution.

DONE this 21st day of May, 2007.

/s/ W. Harold Albritton

W. HAROLD ALBRITTON

SENIOR UNITED STATES DISTRICT JUDGE